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**UNITED STATES DEPARTMENT OF EDUCATION**

Federal Student Aid  
School Participation Team-Northwest  
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May 24, 2005

Dr. James C. Garland  
President  
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Roudebush Hall  
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**CERTIFIED MAIL  
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**FINAL PROGRAM REVIEW DETERMINATION LETTER**

PRCN: 200510524095  
OPE ID Number: 00307700

Dear Dr. Garland:

This letter provides the U.S. Department of Education's (Department) Final Program Review Determination (FPRD) concerning Miami University of Ohio's (Miami-OH) compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the Clery Act), in Section 485(f) of the Higher Education Act of 1965, as amended, and the Department's regulations at 34 CFR Section 668.46.

This FPRD is the result of a focused campus security program review conducted by the Chicago School Participation Team in response to a complaint from Security On Campus, Inc. on behalf of a former student at Miami-OH. The complaint alleged that the former student was not properly informed of the outcome of a campus disciplinary hearing involving an alleged on-campus sexual assault of which the former student was the victim. The Department requested and received pertinent information regarding facts of the complaint and Miami-OH's disciplinary hearing practices and notices from Ms. Robin Parker, General Counsel for Miami University of Ohio.

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**FINDING AND FINAL PROGRAM DETERMINATION**

**FINDING**

As part of its review, the Department received information regarding Miami-OH's disciplinary cases involving alleged sexual offenses over the past five years. Miami-OH reported that there were nine disciplinary cases involving alleged sex offenses. In those nine disciplinary cases, six of the accusing students did not receive written notice of the outcome of the disciplinary proceedings. In one of those six cases, the case that involved the former student who was the subject of the complaint that initiated this particular program review, Miami-OH verbally provided the accuser with incorrect information about the outcome of the disciplinary proceedings. In two of the six cases, the accusers also did not receive verbal information about the outcome of the disciplinary proceedings. In the other three out of six cases, Miami-OH provided verbally correct information about the outcome of the disciplinary proceeding to the accusing students. Over the five-year period, Miami-OH provided accurate written notice to the accusing students in only three of the nine cases of campus disciplinary hearings regarding alleged sexual offenses.

When Miami-OH discovered that it had failed to provide written notice of the outcome of the disciplinary proceedings in these six cases noted above, the institution provided written notices to the accusing students. However, the written notice was not provided until October 7, 2004, which was anywhere from six months to five years after the disciplinary hearings.

The Department conducted a review of Miami-OH in 1997 that found that Miami-OH did not comply with the Clery Act's notification requirements (PRCN: 199740814014). In its response to that program review report, Miami-OH stated that it would notify in writing both the accuser and the accused of the outcome of any institutional disciplinary proceedings that involved an alleged sex offense. Section 702 of Miami-OH's Code of Student Conduct states that in "cases of an alleged offense, both the accuser and the accused will be notified, in writing, of the outcome of the disciplinary proceedings."

**FINAL PROGRAM DETERMINATION**

The Department's regulations at 34 CFR Section 668.46(b)(11)(vi)(B) states that an institution must have procedures for campus disciplinary action in cases of an alleged sex offense, including a clear statement that both the accuser and the accused must be informed of the outcome of any institutional disciplinary proceeding brought alleging a sex offense.

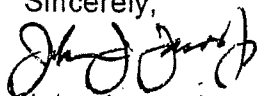
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Miami-OH has established as part of its institutional policies that both the accuser and the accused will be notified in writing of the outcome of a disciplinary proceeding involving an alleged sexual offense. As stated above, however, the institution has failed to comply with its own policy over the past five years in six of the nine institutional disciplinary cases concerning alleged sexual offenses. In none of those six cases was the accuser notified in writing of the outcome of the disciplinary proceedings. In fact, in two cases, the accusers weren't notified at all, and in one case the accuser was provided an incorrect notice of the outcome of the proceedings.

An institution's failure to comply with its campus security policy constitutes an inability by the institution to properly administer the Title IV, HEA programs. In this case, the failure to follow administrative procedures is particularly egregious because the institution was on notice of its requirement to comply with the Clery Act. As a result, as part of the Final Program Determination, the Chicago School Participation Team is referring this FPRD to the Administrative Actions and Appeals Division (AAAD) for its consideration of possible adverse administrative action. AAAD will notify the Institution of any action that it may take with respect to this FPRD. That notification will include information on institutional appeal rights and procedures.

I would like to express my appreciation for the courtesy and cooperation extended during the review. Please refer to the above Program Review Control Number (PRCN) in all correspondence relating to this report. If you have any questions concerning this report, please call Herschel Wallace at (312) 886-8739.

Sincerely,



John Jaros, Jr.

Team Leader

Chicago School Participation Team

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